

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Position-Based Information Access Device and Method of Searching

the specification of which:

(check one)

is attached hereto;

[] was filed as United States Application Serial No. _____ on _____, and was amended on _____ (if applicable);

[] was filed as PCT International Application No. _____ on _____ and was amended under PCT Article 19 or Article 34 on _____ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES NO
			YES NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

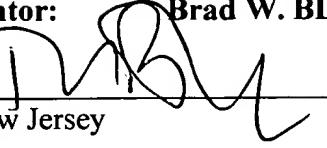
I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)	Pending	Patented	Abandoned
09/639,265	15 August 2000	X		
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Brad W. BLUMBERG**

Inventor's signature 

Date 1-30-01

Residence: Vorhees, New Jersey

Citizen of: United States

Post Office Address: 9 Signal Hill Drive, Vorhees, New Jersey 08043

Full name of second inventor: **Eric M. BLUMBERG**

Inventor's signature 

Date 1-30-01

Residence: Miami, Florida

Citizen of: United States

Post Office Address: 5 Island Avenue, Island Terrace, Apt. 8J, Miami, Florida 33139

Attorney Docket No. SMTR001/02US

PATENT

Applicant or Patentee: Brad W. BLUMBERG et al.

Serial No.: Patent No.:

Filed: Issued:

For: POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD OF
SEARCHING

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS UNDER
37 C.F.R. §1.27 - SMALL BUSINESS CONCERN**

I hereby declare that I am:

the owner of the small business concern identified below;
 an official of the small business concern empowered to act on behalf of the
concern identified below:

Name of Small Business Concern: SMARTER AGENT

Address of Small Business Concern:

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121 for purposes of paying reduced fees under 35 U.S.C. §§41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both;

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD OF SEARCHING and described in:

the specification filed herewith;
 the application identified above; or
 the patent identified above;

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. §1.27(a)(1) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.27(a)(2) and 13 C.F.R. §121 or a nonprofit organization under 37 C.F.R. §1.27(a)(3):

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brad W. BLUMBERG et al.

Serial No.:

Examiner:

Filed: January 31, 2001

Art Unit:

For: POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD OF
SEARCHING

Commissioner for Patents
Washington, D.C. 20231

NONPUBLICATION REQUEST – 37 C.F.R. §1.213

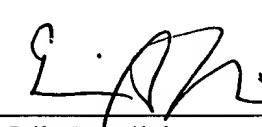
I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

Dated: January 31, 2001

Respectfully submitted,
COOLEY GODWARD LLP

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By:


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